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escort to the party engaged in the delimitation of the frontier. For further cases on the point as to what constitutes the beginning and ending of "actual military service," see *Herbert v. Herbert* (1855), Deane 10; *In re Saunders* (1865), L. R. 1, P. & D. 16; *In re Tweedale* (1874), L. R. 3, P. & D. 204; *In re Hiscock* [1901], Pro. 78; *Gattward v. Knee* [1902], Pro. 99; *Leathers v. Greenacre*, 53 Me. 561; *Gould v. Safford*, 39 Vt. 498. It seems clear that the court is laying the foundation for a number of cases when it decides that even though engaged in something incidental to the war operations, yet a soldier is deemed to be in actual service. The question will naturally arise as to what things are "incidental."

WORKMEN'S COMPENSATION ACT—BASIS OF COMPUTING RECOVERY.—X, a plumber, was called upon by a village marshal to aid in arresting a criminal; as X approached to render assistance, the criminal shot him, causing his death. His wife applied for an award under the WORKMEN'S COMPENSATION LAW, and the Industrial Commission awarded a sum of \$3,000 computed on the basis of X's earnings as a plumber. The Circuit Court held the village liable, but held the award erroneous in that it should have been computed on the earnings of a policeman in the village. This ruling was affirmed by the Supreme Court. *Village of West Salem v. Industrial Commission of Wisconsin* (Wis. 1916), 155 N. W. 929.

The WORKMEN'S COMPENSATION ACT of Wisconsin (Stats. 1913, §§ 2394-10) specifically includes policemen and firemen within the meaning of the term "employees." Town and city marshals are peace officers. *Hayes v. Mitchell*, 69 Ala. 452; *Bryan v. Bates*, 15 Ill. 87. A peace officer has the right to summon and require the assistance of as many bystanders as are necessary to enable him to perform his duty in making the arrest. *Martin v. State*, 89 Ala. 115, 8 So. 23; *Firestone v. Rice*, 71 Mich. 377, 38 N. W. 885; *Patterson v. Kise*, 2 Blackf. (Ind.) 127. When a peace officer orally summons bystanders to assist him in making an arrest for a felony, such persons are given the same protection which surrounds the officer while acting in concert with him and actually engaged in attempting to arrest the offender. *State ex rel. Brown v. Appleby*, 139 Wis. 195, 120 N. W. 861; *McCumber v. Waukesha County*, 91 Wis. 442, 65 N. W. 51. Statutes in all the states that have adopted Compensation Acts contain provisions for calculating the amount of recovery; and further provide that in case the methods stated cannot fairly be applied, the recovery shall be computed on the basis of the average wages of other employees of the same class engaged in the same or similar employment. It seems clear that X was acting as a policeman at the time of the affray, and that the compensation was properly assessed on that basis.